



Ontario College of
Social Workers and
Social Service Workers

Ordre des travailleurs
sociaux et des techniciens
en travail social de l'Ontario

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Discipline Decision Summary

This summary of the Discipline Committee's Decisions and Reasons for Decision is published either pursuant to the Discipline Committee's penalty order or with the agreement of the College member who is the subject of the Decisions.

By publishing such summaries, the College endeavours to:

- illustrate for social workers, social service workers and members of the public, what does or does not constitute professional misconduct;
- provide social workers and social service workers with direction about the College's standards of practice and professional behaviour, to be applied in future, should they find themselves in similar circumstances;
- implement the Discipline Committee's decision; and
- provide social workers, social service workers and members of the public with an understanding to the College's discipline process.

DISHONOURABLE AND UNPROFESSIONAL CONDUCT MEMBER, RSW

Allegations and Plea

The Member admitted the following College allegations of professional misconduct:

1. Abusing a client physically, sexually, verbally, psychologically or emotionally, when the member established a personal and/or sexual relationship with the client.
2. Engaging in behaviour of a sexual nature with the client or former client.
3. Using information obtained during the member's professional relationship with the client, or using the member's professional position of authority to coerce, improperly influence, harass or exploit the client, or former client.
4. Engaging in conduct or performing an act relevant to the practice of the profession that, having regard to all the circumstances, would reasonably be regarded by members as disgraceful, dishonourable or unprofessional when the member established a personal and/or sexual relationship with the client to whom the member provided counselling and/or psychotherapy services.
5. Failing to regard the well-being of the client, as the member's primary professional obligation when the member established and pursued a personal and/or sexual relationship with the client and, by doing so, failed to distinguish the member's own needs from those of the client, failed to appreciate how the member's needs might impact on the member's personal relationship with the client, placed the

member's own needs before those of the client and failed to ensure that the client's interests were paramount.

6. Failing to maintain clear and appropriate boundaries in the member's professional relationship with the client when the member established a personal and/or sexual relationship with the client, to whom the member provided counselling services and/or psychotherapy services, thereby placing the member in a conflict of interest situation in which the member ought reasonably to have known that the client would be at risk and (or in the alternative) using the member's professional position of authority to abuse or exploit the client or former client.
7. Failing to ensure that professional services were provided responsibly to the client when the member established a personal and/or sexual relationship with the client, a client to whom the member provided counselling services and/or psychotherapy services, thereby placing the member in a conflict of interest situation and /or establishing a dual relationship with the client or former client which may have impaired the member's professional judgment or increased the risk of exploitation or harm to the client.

Agreed Statement of Fact

The College and the member submitted a written statement to the Discipline Committee, in which the following facts were agreed:

- The member is a social worker who, at all times relevant to the allegations, was employed by a hospital in Ontario as a Crisis Intervention Worker, providing crisis intervention counselling and other related social work services to clients of the hospital.
- During the member's hospital employment, a client attended at the hospital's Crisis Intervention Service, where the member was on duty as the Crisis Intervention Counsellor.
- That day, the member provided the client with crisis intervention counselling concerning relationship problems with the client's partner and the client's suicidal feelings. In doing so, the member obtained background information from the client, including a history of drug and alcohol abuse and past suicide attempts.
- The client was voluntarily admitted to the hospital, but left the following morning. Later on the day of the client's departure from the hospital, the client contacted the member and advised the member that the client was going to commit suicide. When the member was unable to persuade the client to return to the hospital, the member called the police, who returned the client to the hospital where the client was admitted.
- Over the course of a week, the member visited the client in the hospital, although the member was not assigned to provide counselling services to the client during the client's hospital admission.
- During the client's hospital admission, in addition to providing counselling services to the client, the member gave the client a number of gifts, provided the client with the member's home telephone number and invited the client to contact the member after the client's discharge from the hospital.
- Immediately following the client's discharge from the hospital, the member contacted the client at the client's home and established a personal relationship with the client

which continued for approximately 5 weeks. That relationship included having social contact and dates with the client; purchasing alcohol for the client, and consuming alcohol together; and, having physical sexual relations with the client including sexual intercourse and touching of a sexual nature.

- The client terminated the relationship with the member.
- The member's employment with the hospital was terminated for having a personal and sexual relationship with a hospital client, when the member's conduct was reported to the hospital by one of the member's colleagues.
- The member admits that based on the above facts, the member is guilty of professional misconduct.
- The member voluntarily participated in and shared the cost of an assessment conducted by an expert assessor, at the request of the College, for the purpose of examining the nature of the member's conduct and prospects for rehabilitation.

Finding

The Discipline Committee found the member engaged in all seven of the forms of professional misconduct listed earlier in this summary, and which were admitted by the member.

Joint Submission on Penalty

The College and the member jointly submitted that:

1. The member be reprimanded and the reprimand be recorded on the register.
2. The Registrar be directed to impose a term, condition and limitation on the member's Certificate of Registration, to be recorded on the register:
 - a. prohibiting the member from providing social work services (as defined in the Scope of Practice of the Profession of Social Work set out in the College's Standards of Practice Handbook) to female clients, students or supervisees for a period of two years from the date on which this term, condition and limitation on the member's Certificate of Registration is recorded on the register;
 - b. suspending the member's Certificate of Registration for a period of 24 months, which suspension shall be suspended and shall not be imposed if the member provides evidence, satisfactory to the Registrar of the College, of compliance with the following requirements:
 - i. The member shall restrict the member's professional practice to the member's current employment for a period of 2 years from the date of the Discipline Committee's Order and shall not change his employment or professional practice during that period, except with the prior approval of the Registrar of the College. The member shall immediately notify the College Registrar, in writing, of any termination of, or proposed change in his current employment or professional practice and shall advise the College Registrar, in advance, of the nature and particulars of any future professional employment or practice in which the member proposes to engage within the said 2 year period, for the purpose of obtaining the Registrar's prior approval of such other employment of professional practice;

- ii. The member shall, at the member's own expense, be re-assessed by a specified expert assessor (or such other person as may be approved, in advance, by the Registrar of the College) on or before 2 years from the date of the Discipline Committee's Order and such assessment shall be provided to the Registrar of the College;
 - iii. The member shall engage in intensive insight-oriented psychotherapy with a therapist approved by the Registrar of the College for a period of two years from the date of the Discipline Committee's Order, with quarterly written reports as to the substance of that psychotherapy and the progress of the member to be provided to the Registrar of the College by the therapist;
 - iv. The member shall, at his own expense, participate in and successfully complete boundary prescriptive and/or social work ethics training, as prescribed by and acceptable to the College;
 - c. requiring the member to receive supervision of his social work practice from an identified M.S.W., RSW (or from such other person as may be approved, in advance, by the Registrar of the College) for a period of five (5) years from the date of the Discipline Committee's Order, with monthly written reports as to the substance of that supervision and the progress of the member to be provided to the Registrar of the College by the supervisor; or reports with lesser frequency as the Registrar may from time to time determine, and
 - d. prohibiting the member from applying under section 29 of the *Social Work and Social Service Work Act, 1998* S.O. 1998. Ch. 31, as amended, for the removal or modification of the terms, conditions or limitations imposed on the member's certificate of registration for a period of 2 years from the date on which those terms, conditions and limitations are recorded on the register.
3. The Discipline Committee's finding and Order (or a summary thereof) be published, with identifying information removed, in the College's official publication and the results of the hearing be recorded on the register.

Penalty Order

The panel of the Discipline Committee accepted the Joint Submission as to Penalty, and in so doing, made an order in accordance with the terms of the Joint Submission as to Penalty and, in addition, concerning the reprimand, required that the member attend before the panel of the Discipline Committee to receive an oral reprimand, and that the reprimand be recorded on the register indefinitely. The panel concluded that the penalty is reasonable and serves and protects the public interest. The panel noted that the member co-operated with the College, and by agreeing to the facts and proposed penalty, accepted responsibility for the member's actions. The panel further concluded that the penalty order meets the objectives of:

- general deterrence (a message to the profession to deter College members from engaging in similar professional misconduct);
- specific deterrence to the member; and,
- remediation and rehabilitation of the member.